

Friends of Hyland

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To: **Three Rivers Park District Board of Commissioners (BoC)**

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February 1, 2024

Dear Chair Gibbs, Vice Chair DeJournett and Commissioners,

Please enter this letter (and the Retaliation Activity.PDF document also attached) into the public record for concerns at Hyland Hills and include in the meeting packet for the upcoming **TRPD Board Meeting on February 15th, 2024.**

Please acknowledge receipt of this email.

Thank you for your responses dated January 22 and 26, 2024, and your offer to meet in person.

Considering the past precedence of retaliatory actions, known and carried out by high-ranking individuals within TRPD against Hyland staff, citizen advocates, children and their families, Friends of Hyland is disinclined to attend nonproductive meetings that will fail to propose a plan of action.

Safety concerns have been well documented and shared with the BoC. Actions have been long required, not more meetings. Friends of Hyland will not put concerned individuals at risk for more retaliation from the BoC. Nor will Friends of Hyland continue to tolerate the board's ongoing indifference, indolence and inactions regarding the safety concerns at Hyland Hills.

For years, patrons, coaches, Hyland staff and citizens have repeatedly brought forth safety concerns to the BoC and operations staff at Hyland Hills. In turn, the BoC has responded with opacity and a cavalier attitude for upholding the mission and policies governing the Park District, and adherence to the laws governing operational and fiduciary responsibilities.

All who ski at Hyland Hills are defenseless against the many safety hazards resulting from the obvious lack of well-established, industry-wide safety procedures employed by other ski areas. These safety procedures are critical to providing a safer skiing environment while limiting injuries such as concussions to broken bones and up to and including death. Additionally, these procedures are easy to implement with appropriate fencing and limiting crowds and oversubscription.

FRIENDS OF HYLAND CONCERNS ARE PUBLICALLY POSTED ON THE FOLLOWING WEBSITE: FriendsofHyland.com

If you want to do us the "honor of hearing us out on the concerns," please visit the website. Specifically, please see these recently added pages:

- Our Requests Website page: <https://friendsofhyland.com/requests>
- Detailed List of Retaliations and Retribution (also attached to this letter/email): <https://friendsofhyland.com/retaliation>

Mr. Gibbs, if you have any questions or find any factually misrepresented statements, please present the documentation substantiating your assertions and let us know *immediately*. Friends of Hyland will address your concerns as we broaden the audience and request further investigation into these matters.

CONCERNS

Friends of Hyland has been consistent in the concerns. They are:

1. Safety
2. Equity
3. Public subsidies for a private entity

4. Retaliation

There are two more concerns added to this list, #5 and #6, as follows:

5. TRPD, through its Board of Commissioners, has known about, created and enabled the above issues for decades. This is despite many of the actions being in direct opposition/violation to the Park's Mission, Policies and Laws governing the Park District.

- Some members of this current board have known about these issues and “special relationship” with Team Gilboa for at least 13 years. These same members have most likely been aware of citizen concerns going back to 2013 when a group of citizens raised these same concerns with Superintendent Boe Carlson, Fred Seymour (former Hyland General Manager) and former Board Chair John Gunyou.
- **Chair Gibbs and Vice Chair DeJournett**, both of you have known about citizen concerns as you were elected in 2011 and 2012 respectively.
 - You were present at several public Board meetings in 2015/2016 when Citizens 4 Hyland testified and presented a petition for fairness.
 - You've seen the letters and responded. You've received phone calls.
 - Both of you Mr. Gibbs and Ms. DeJournett, along with Superintendent Carlson, Hyland Managers Fred Seymour and Jeff May have been aware of these issues (including safety), the collusion with Team Gilboa during this time and past history of how Team Gilboa was established in 1985. Possibly, you've participated in public letters written on behalf of the Park District and contracts (operating agreement).
 - At the very least you commissioners have approved the TRPD/Gilboa Operating Agreement renewal in 2014 which perpetuated the “special relationship” with Gilboa.
 - In addition, you both, along with John Gunyou and Fred Seymour, had children participating in Team Gilboa in that timeframe – possibly earlier.
- Yet, the Board of Commissioners (past and present) have refused to address and act to reform these concerns.

6. The lack of transparency and lack of action on the part of TRPD's current Board of Commissioners is causing continued injuries and harm and gives the impression of continued coverup.

- We've been asking questions for 9 months and have received no answers, no justification and no resolutions. The limited responses, withholding of information, stonewalling and delays are tactics to maintain the status quo. This also perpetuates the harm/injuries and ongoing threat of retaliation.
- There have already been needless injuries this year at Hyland due to a lack of fencing. This is absurd when a row of B-Net would have prevented at least

- one of these injuries and ambulance ride... and when TRPD/Hyland had multiple requests to put this specific fencing up this year and in past years.
- This year alone, 1,000+ children were given a fraction of the facilities compared to the Team Gilboa members. And some of them were given an even *smaller fraction (1/16th or less)* of the preferred facilities that provide opportunities for skill building. These are facts from TRPD produced schedules and again, this has been occurring for decades.

ESTABLISHMENT OF THE PARK DISTRICT, GOVERNING LAWS/POLICIES OF TRPD

TRPD was established in 1957 by the MN State Legislature as a **Park** District and MN government agency.

From [Three Rivers Park District's website](#):

*Minnesota State Legislature established Three Rivers **Park** District as an independent, special **park** district in 1957. Our charge is to acquire, develop and maintain large **park** reserves and regional **parks** and trails for the **citizens** of suburban Hennepin County, the metro area and the State.*

*We work cooperatively with the Metropolitan **Parks** and Open Space Commission, Metropolitan Council and State Legislature as one of ten implementing agencies of the Metropolitan Regional **Park** System. This system of **parks** was established in 1974 by the Minnesota State Legislature to provide **outdoor education, recreational facilities, services and programs**. Collectively, the system serves more than 47 million park guests per year in the seven-county metro.*

- By definition, "**Parks**" are for the benefit of all regardless of economic background. Hyland Hills is part of the Three Rivers PARK district and Metropolitan Regional Park System.
 - Parks are *not* private "reserves" or entities to provide exclusive and extra use to a privileged few, or those who can afford to pay premiums to a private group for preferred or "dedicated" access of park facilities.

Park (from Dictionary.com)

1. an area of land, usually in a largely natural state, for the enjoyment of the public, having facilities for rest and recreation, often owned, set apart, and managed by a city, state, or nation.

Like any government entity, TRPD is governed by policies and laws, and these include:

- TRPD Safety Ordinance
- Diversity, Equity and Inclusion Policy in TRPD 2040 Plan
- TRPD Retaliation Policy
- State and Federal Employment Laws (e.g., whistleblower laws – especially as they apply to public entities)
- MN State Fiduciary Responsibilities as they apply to government agencies.

Commissioners take an oath to adhere to laws, uphold *all* of TRPD policies and oversee the Park District's mission and operations for the benefit of the public.

There is nothing in the State legislation or TRPD policies, TRPD mission or other documentation that specifies that one of the purposes of the Three Rivers Park District is to enable, favor and fund exclusive/monopolistic access for special interest groups, (such as Team Gilboa), at the expense of the public. Or to allow a private group to sell this preferred access to the public and keep the proceeds.

- In this case, Team Gilboa is a private (non-TRPD) and elite ski race program that is expensive and is profiting off a public asset.
- The facts are that TRPD-provided favors are causing discrimination for the majority of children and harming patrons because of the safety issues that are caused by overcrowding/oversubscription and unsupervised/out of control children. It is also a financial drain of taxpayer funds and misuse of public assets.

We have not been able to find any other examples of this type of relationship in the Park District where safety and discrimination are the results of "partnerships" with private entities.

ANALYSIS

Sweetheart deals starting 40 years ago, and further solidified with verbal agreements for spinoff and allowing a building to be put on park property in 1980s, an operating agreement created in 2010 and subsequent renewal in 2014, are misaligned with TRPD policy and why Parks are created in the first place.

A basic agreement to spin off Team Gilboa from Hyland Hills in 1985 (for liability reasons due to a tragic accident), *may* have made sense at the time. However, this program and TRPD's favoritism has expanded into something that clearly violates TRPDS' mission and policies – specifically for DEI, safety (overcrowding, unsupervised children causing collisions), fiduciary responsibilities and retaliation. This has been true for at least 20-25 years. Cancelling Hyland's own affordable and profitable DTeam program in 2016 to give Gilboa the business, doubled the cost of development racing for families. It also caused more discrimination against kids/teams, more safety issues and was retaliatory (see details on list of retaliation above).

This "special relationship" with Gilboa has become increasingly harmful over the years.

Friends of Hyland is not asserting that Team Gilboa shouldn't exist at Hyland. Team Gilboa would surely be able to operate successfully with a cap at 275 members (vs. 550) and fair rotation of facilities per our requested solutions.

- Why couldn't they? It would be absurd to imagine they couldn't.
- It would be even more absurd to think Gilboa children are more *entitled* to favorable treatment. *Or the majority of kids don't deserve a level playing field or don't have similar aspirations in life.* Or Gilboa can't operate without public subsidization.
 - TRPD/Hyland Hills is not Team Gilboa's private training facility, despite their self-stated elite status and their TRPD-given favors of "lanes consistently utilized" and their "great and highly successful academic and professional careers.... via elite ski racing." (see here: <https://www.teamgilboa.com/page/show/2792156-team-gilboa-history#:~:text=Two%20young%20men%2C%20Brad%20Giswold,more%20families%20joined%20the%20program.>)

Excerpt From Team Gilboa's History on their website:

In the 1990s, Team Gilboa and Three Rivers agreed on a lease for land that now houses our small "Competition Center." Built and maintained by Team Gilboa, this facility houses our team and our equipment, and serves as the Team's hub where athletes, coaches, parents, grandparents and friends gather while watching our amazing racers train and race on the lanes consistently utilized by the team. This nexus of key space, facilities, tradition and coach & parent support enables Team Gilboa to be a nationally recognized club.

Many of our athletes have matriculated to collegiate ski racing, and we have had thousands of highly accomplished athletes compete regionally and nationally in our USSA races. These are not just great athletes, they are great people. Many have highly successful academic and professional careers built upon the hard work, discipline and perseverance that is learned via elite ski racing.

Team Gilboa's self-perception and their member success in life is **irrelevant** to how TRPD **should** be operating and allocating publicly owned facilities should be for the **benefit of all** – that is what DEI is. And it's why we have parks in the first place.

Why would TRPD enable this favoritism stated on the Gilboa website and borne out by the facilities schedules each year? This question has been asked many times and is yet to be unanswered by you, Mr. Gibbs.

What is vitally important and inherent to our park system is that **all children are treated equitably and fairly in the pursuit of their activities within the Park District**– and TRPD upholds its own mission/policies/procedures and adheres to governing laws of the state and federal governments.

It is incumbent on TRPD, via its Board of Commissioners, governing laws, policies, procedures and staff, to honor, respect and represent all citizens and patrons -including children.

CONCLUSION

Lest you believe this effort by Friends of Hyland is a fight - or a game - that must end in winners and losers, **it's not.**

- This is a sincere effort for everyone to have equitable opportunity and industry standard safety in at Hyland... **without fear of retaliation and without continued favoritism by the Park District itself.**

The Park District *is* you and the current board, Mr. Gibbs. You all took the oath.

- Your reputations and legacies as stewards of this park district will be determined by your ethical actions for reform... or your perpetuation of dysfunction and coverup.

We hoped that you would take the easy path and address this misuse of public assets and mission/policy/legal violations by now. Especially, since it is so simple and low cost to do so.

It's been nine months since we first contacted this current board. And it's been 20-25+ years of inequity, favoritism and dysfunction at Hyland causing harm to thousands of people.

To date, we have yet to receive answers to our questions, resolutions to the problems or justifications for this burden on the public. The retaliation, stonewalling and incessant delays are by-products of TRPD's continued protectionism of a favored relationship that has been wrong from the beginning.

Again, if we are misunderstanding something or have mis-stated facts, please let us know.

Thank you. We remain optimist that you will develop a plan for reform and share it with us soon.

Sincerely,

Friends of Hyland

RECENT CORRESPONDENCE – READ FROM THE BOTTOM UP

Gibbs, John

From: john.gibbs@threeriversparks.org

To: friendsofhyland@yahoo.com

Cc: Segreto, Louise, Winkler, Jesse

Fri, Jan 26 at 6:54 PM

You are welcome. I am willing to honor your request that we meet to hear you out and discuss any Board issues of your January 7 or prior correspondence.

John Gibbs
Chair, Three Rivers Park District Board of Commissioners
(651) 324-0874

From: friendsofhyland@yahoo.com <friendsofhyland@yahoo.com>
Sent: Tuesday, January 23, 2024 2:47 PM
To: Gibbs, John <john.gibbs@threeriversparks.org>
Cc: Segreto, Louise <Louise.Segreto@threeriversparks.org>; Winkler, Jesse <Jesse.Winkler@threeriversparks.org>
Subject: Re: Letter for February 15th Commissioner Meeting

Dear Mr. Gibbs,

Thank you for your response. We appreciate an invitation to meet.

What are the objectives and agenda for such a meeting?

Thank you,

Friends of Hyland

On Monday, January 22, 2024 at 04:52:53 PM CST, Gibbs, John <john.gibbs@threeriversparks.org> wrote:

Friends of Hyland: I am willing to meet with you to discuss the Board issues raised in your January 7 letter. I have requested that Commissioners Louise Segreto and Jesse Winkler join me. We have good availability to meet at the Three Rivers Administrative Center the week of February 12 if you would like to suggest some times.

John Gibbs

Chair, Three Rivers Park District Board of Commissioners (651) 324-0874

See Jan. 27th letter here from Friends of Hyland to TRPD Commissioners:

<https://img1.wsimg.com/blobby/go/8166b262-e682-494d-b823-513d4561635f/downloads/January%207%202024%20Letter%20to%20BOC.pdf?ver=1704743127181>